

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARDO GARCIA,

Defendant.

ORDER OF DETENTION  
PENDING TRIAL

05-CR-155-C

---

At the December 1, 2005 arraignment the government moved to detain defendant Bernardo Garcia pending his trial in this drug and gun case, pursuant to 18 U.S.C. §3142(f). Because the grand jury charged defendant with offenses for which a maximum term of imprisonment exceeding ten years is prescribed in the Controlled Substances Act, section 3142(e) imposes a rebuttable presumption that no combination of release conditions will assure defendant's appearance and the safety of the community. Because defendant currently is in state custody, he does not wish to contest the government's motion or the presumption of detention at this time but he has reserved his right to a substantive release hearing in the future. Based on this, I find that defendant is a danger to the community and a flight risk.

It is ORDERED that the defendant is committed to the custody of the United States Marshals Service for confinement at the Dane County Jail separate from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with his attorney. On order of this court or on request of an attorney for the Government, the Dane County Jail shall deliver the defendant to the Marshals Service for the purpose of an appearance in this case.

Dated: December 2, 2005

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge